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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,608	11/09/2001	Samuel M. Lester	10014400-1	6002
22428	7590	01/17/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				PATTERSON, RASHAN OMAR
		ART UNIT		PAPER NUMBER
				2622

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/986,608	LESTER ET AL.	
	Examiner	Art Unit	
	Rashan O. Patterson	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 November 2001.  
 2a) This action is FINAL.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/10/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The term "capable" in claim 8 is a relative term which renders the claim indefinite.

The term "capable" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Samsung Electronics Co. (EP 0996055).

With regard to claim 1 Samsung Electronics Co. discloses a printer system (Fig 1; Col. 2 lines 16-17) comprising: a first printer (Printer 40) that is capable of being in one of a ready state and a not ready state, with respect to processing any incoming print jobs and a second printer (printer 40) that is capable of being in one of the ready state and not ready state (Col. 2 lines 48-56), wherein the first printer (printer 40) redirects a print job sent to the first printer (printer 40), to the second printer (printer 40),

when the first printer (printer 40) is in the not ready state (Col. 2 lines 48-56; Col. 3 lines 27-31).

With regards to claims 2 and 5 Samsung Electronics Co. discloses a printer system (Fig 1; Col. 2 lines 16-17) comprising a printer administer (computer 10) that is coupled to the first printer by way of a communications network (network 20) where in the printer administrator (computer 10) is notified by the first printer as to any print job redirections made by the first printer (Col. 3 lines 2-12);

With regard to claims 3 Samsung Electronics Co. discloses a printer system (Fig 1; Col. 2 lines 16-17) comprising: a first printer (printer 40) that is capable of being in one of a ready state and not ready state, with respect to processing any incoming print jobs, wherein the not ready state includes at least a first non-recoverable error sub-state (Col. 2 lines 48-52; Col. 3 lines 38-41); a second printer (printer 40), wherein the first printer (printer 40) redirects a print job sent to the first printer (printer 40), to the second printer (printer 40), when the first printer (printer 40) is in the first non-recoverable error sub-state (Col. 2 lines 13-18; Col. 3 lines 27-31).

With regard to claim 4 Samsung Electronics Co. discloses a print system comprising a third printer (printer 40) wherein not ready state also includes a second non-recoverable error sub-state (Col. 2 lines 48 - 52; Col. 3 lines 38-1), and where in the first printer (printer 40) redirects a print job sent to the first printer (printer 40) to the third printer (printer 40), when the first printer (printer 40) is in the second non-recoverable error sub-state (Col. 3 lines 31-37).

With regard to claims 8 Samsung Electronics Co discloses a redundant printer system (Fig 1) comprising: a first printer (printer 40) that receives print jobs over a network (network 10); a second printer (printer 40) that receives print jobs over a network (network 10); wherein the first printer (printer 40) redirects a print job sent to the first printer (printer 40), the redirection being made to the second printer when the first printer is not capable of printing the print job (Col. 2 lines 48-56; Col. 3 lines 27-31).

Examiner has interpreted "not capable" as being a non-ready state.

With regard to claim 9 Samsung Electronics Co. discloses a method of printing a job on one of a plurality of network printers (printers 40) coupled to a network (network 20) comprising: receiving, by a first of the network printers (printer 40) a print job; determining, by the first of the network printers (printer 40), a current operating state of the first of the network printers, the current operating state being either first state or a second state; and routing, by the first of the network printers, the print job to a second of network printers when the operating state is in the first state (Fig 3; Col. 3 lines 14-18).

With regard to claim 10 Samsung Electronics Co. discloses a method of executing the print job by the first of the network printers (printers 40) when the operating state of the first of the network printers (printer 40) is in the second state, where in the print job is not routed to the second of the network printers (printers 40) when the operating state of the first of the network printers (printers 40) is in the second state (Col 1 lines 6-15; Col 2 lines 43-48).

With regard to claim 12 Samsung Electronics Co. discloses a method of printing a job on one of a plurality of network printers (printers 40) coupled to a network (network

10) comprising: receiving, by a first of the network printers (printers 40) a print job; determining, by the first of the network printers (printers 40), a current operating state including at least one state corresponding to a non-recoverable error state and routing, by the first of the network printers, the print job to a second of the network printers when the operating state is the non-recoverable error state (Fig 3; Col. 3 lines 14-18).

With regard to claim 13 Samsung discloses executing the print job by the first of the network printers (printer 40) when the operating state of the first of the network printers (printer 40) is in a state other than the non-recoverable error state, wherein the print job is not routed to the second of the network printers (printer 40) when the operating state of the first of the network printers (printer 40) is in the state other than the non-recoverable error state (Col 1 lines 6-15; Col 2 lines 43-48).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6,7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samsung Electronics Co. (EP 0996055) in view of Xerox Corporation (EP 0917044).

Regarding claim 6 Samsung Electronics Co. discloses a printer system (Fig 1; Col. 2 lines 16-17) comprising: a first printer (Printer 40) and a second printer wherein

the first printer (printer 502) includes a processor (CPU 43) for reading information contained in the print job sent to the first printer, and wherein the first printer (printer 502) redirects the print job to the second printer (printer 504) (Col. 7 lines 34-58; Col. 8 lines 1-28).

Samsung Electronics Co. does not disclose a printer system comprising: a first printer having a first set of printing capabilities; and a second printer having a second set of printing capabilities greater than the first set of printing capabilities, wherein the first printer redirects the print job to the second printer when the information contained in the print job is such that the capabilities of the first printer will not allow it to properly perform the print job.

Xerox Corporation reveals a printer system (Fig 4) comprising: a first printer (printer 502) having a first set of printing capabilities; and a second printer (printer 504) having a second set of printing capabilities greater than the first set of printing capabilities, wherein the first printer (printer 502) includes a processor (supervisor 420) for reading information contained in the print job sent to the first printer, and wherein the first printer (printer 502) redirects the print job to the second printer (printer 504) when the information contained in the print job is such that the capabilities of the first printer (printer 502) will not allow it to properly perform the print job (Col. 7 lines 34-58; Col. 8 lines 1-28).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Samsung Electronics Co. by Xerox Corporation to have a first printer having a first set of printing capabilities; and a second printer having a second set of

printing capabilities greater than the first set of printing capabilities, wherein the first printer redirects the print job to the second printer when the information contained in the print job is such that the capabilities of the first printer will not allow it to properly perform the print job since Xerox discloses having a printer system containing printers with vary degrees of attributes that more optimally distributes job requests.

With regard to claim 8 Samsung Electronics Co. discloses a redundant printer system (Fig 1) comprising: a first printer (printer 40) that receives print jobs over a network (network 10); a second printer (printer 40) that receives print jobs over a network (network 10); wherein the first printer (printer 40) redirects a print job sent to the first printer (printer 40), the redirection being made to the second printer (printer 40) (Col. 2 lines 48-56; Col. 3 lines 27-31).

Samsung Electronics Co. does not disclose a redundant printer system comprising: a first printer that receives print jobs over a network; a second printer that receives print jobs over a network; wherein the first printer redirects a print job sent to the first printer, the redirection being made to the second printer, when the first printer is not capable of printing the print job.

Xerox discloses a redundant printer system (Fig 4) comprising: a first printer (printer502) that receives print jobs over a network (Fig 1); a second printer (printer 504) that receives print jobs over a network (Fig 1); wherein the first printer (printer 502) redirects a print job sent to the first printer (printer 502), the redirection being made to the second printer (printer 504), when the first printer (printer 502) is not capable of printing the print job (Col. 7 lines 34-58; Col. 8 lines1-28).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Samsung Electronics Co. by Xerox Corporation to have a redundant printer system comprising : a first printer that receives print jobs over a network; a second printer that receives printer jobs over a network wherein the first printer redirects a printer job sent to the first printer, the redirection being made to the second printer when the first printer is not capable of printing the print job since Xerox discloses having a printer system containing printers with vary degrees of attributes that interprets job requests for print submission and passes the job to the appropriate printer capable of handling the job request.

With regard to claim 14 Samsung Electronics Co. discloses a method of printing a job on one of a plurality of network printers (Fig 1) coupled to a network (network 10) comprising: receiving by a first of the network printers (printer 40) a print job (Fig 3; column 3 lines 14-18).

Samsung does not disclose a method of printing a job on one of a plurality of network printers coupled to a network comprising: receiving by a first of the network printers a print job; reading by the first of the network printer at least a portion of information contained in the print job; determining by the first of the network printers whether or not the first of the network printers is capable of performing the print job based on the information contained in the print job and either routing the print job to another of the network printers or executing the print job by the first of the network printers based on a result of the determining step.

Xerox discloses a method of printing a job on one of a plurality of network printers (printers 502, 504, 506, 508) coupled to a network (Fig 1) comprising: receiving by a first of the network printers (printer 502) a print job; reading by the first of the network printers (502) at least a portion of information contained in the print job; determining by the first of the network printers (502) whether or not the first of the network printers (502) is capable of performing the print job based on the information contained in the print job and either routing the print job to another of the network printers (printers 504, 506, 508) or executing the print job by the first of the network printers (502) based on a result of the determining step (Col. 7 lines 34-58; Col. 8 lines 1-28).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Samsung Electronics Co. by Xerox Corporation to have a method of printing a job on one of a plurality of network printers coupled to a network comprising: receiving by a first of the network printers a print job; reading by the first of the network printers at least a portion of information contained in the print job; determining by the first of the network printers whether or not the first of the network printers is capable of performing the print job based on the information contained in the print job and either routing the print job to another of the network printers or executing the print job by the first of the network printers based on a result of the determining step since Xerox discloses having a printer system containing printers with vary degrees of attributes that interprets job requests for print submission and passes the job to the appropriate printer capable of handling the job request.

***Conclusion***

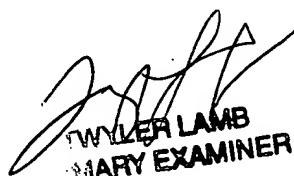
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nardozzi (US 5179637) discloses a method of printing a job on one of a plurality of network printers coupled to a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashan O. Patterson whose telephone number is 571-272-0597. The examiner can normally be reached on Mon - Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROP  


  
WALKER LAMB  
PATENT EXAMINER